

THE HONORABLE JOHN H. CHUN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

AMAZON.COM, INC., a Delaware
corporation; and AMAZON.COM SERVICES
LLC, a Delaware limited liability corporation,

Plaintiffs,

v.

Individuals and entities doing business as the
Amazon Brand Registry Account VIVCIC; and
DOES 1-10,

Defendants.

Case No.: 2:23-cv-00486-JHC

**DECLARATION OF BRIAN D. BUCKLEY
IN SUPPORT OF PLAINTIFFS' *EX PARTE*
MOTION FOR EXPEDITED DISCOVERY**

I, Brian D. Buckley, declare and state as follows:

1. I am a partner with the law firm Fenwick & West LLP, which represents Plaintiffs Amazon.com, Inc. and Amazon.com Services LLC (together, "Amazon") in the above-titled litigation. I am over 18 years of age. The statements made below are true to the best of my knowledge and belief. I make them in support of Plaintiffs' Motion for Expedited Discovery ("Motion").

2. As more thoroughly outlined in the concurrently filed Declaration of Ong Qiu Yi, Amazon formed its Counterfeit Crimes Unit ("CCU") in 2020. The CCU works with outside counsel, including our firm, to file civil enforcement actions against bad actors. The CCU also refers bad actors to law enforcement agencies located in the U.S. and abroad.

3. In this case, we have attempted to confirm Defendants' identities and locations by:

BUCKLEY DECL ISO *EX PARTE* MOTION
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(1) using private outside investigators and external sources of information to investigate the documents and information that Defendants submitted to Amazon; (2) investigating and examining the information Defendants provided to Amazon when creating their Amazon selling account (the “Selling Account”); and (3) searching public records for the names and addresses provided by Defendants in connection with their Selling Account. Despite these extensive efforts, we have been unable to confirm whether the individuals disclosed in the Selling Account documents were involved in the fraudulent takedown scheme. Our investigation indicates that Defendants may have provided Amazon with false or inaccurate information in an attempt to mislead Amazon as to their true identities and locations, insofar as our investigation has shown that bad actors located elsewhere were operating the Selling Account.

4. As reflected in the concurrently filed declaration from Amazon, Defendants used Payoneer Global Inc., PingPong Global Solutions Inc., and LianLian Pay Corporation as its payment services providers. In my experience handling cases involving similar fact patterns, I believe that records from these payment service providers will likely demonstrate the names and locations of the holders of the bank accounts associated with that Selling Account, as well as deposits and withdrawals of funds to and from such bank accounts.

5. Likewise, I believe that discovery in the form of subpoenas for records to Wells Fargo Bank, N.A., Deutsche Bank Trust Company Americas, and First Century Bank, NA—where Defendants registered virtual bank accounts that Defendants used to transfer funds related to and from their Selling Account—will also likely result in the production of the names and locations of those holding these accounts, as well as their deposits and withdrawals from the same, which may help determine Defendants’ locations.

6. I also believe discovery through third-party subpoenas to several email service providers associated with Defendants may demonstrate, among other things, the names and contact information these Defendants provided to their respective email service providers to register their email accounts, and the IP addresses from which Defendants logged into those accounts, which can be used to help determine Defendants’ locations.

7. Defendants also identified dozens of email addresses as contact information in their

1 notifications for claimed infringements.

2 8. In prior cases involving similar fact patterns, productions from email providers
3 have demonstrated the location of the IP addresses where the defendants logged into their selling
4 accounts, which have helped to confirm the defendants' true locations.

5 9. Plaintiffs' subpoenas will be narrowly targeted to seek documents regarding the true
6 identities and locations of Defendants and other bad actors involved in their fraudulent takedown
7 scheme. The subpoenas are intended to uncover crucial information about Defendants' fraudulent
8 takedown scheme and the individuals behind it. Plaintiffs believe that this limited expedited
9 discovery of these third parties will help Plaintiffs achieve these goals and advance litigation.

10 I declare under penalty of perjury that the foregoing is true and correct.

11 EXECUTED this 8th day of September, 2023, at Seattle, Washington.

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14 /s/ Brian D. Buckley
Brian D. Buckley